

SRHA Public Information Handout

NOTICE OF INTENT TO LOCATE MINING CLAIMS ON STOCK RAISING HOMESTEAD ACT LANDS

Stock Raising Homestead Act Amendment of April 16, 1993, Public Law 103-23

The Act requires special procedures that must be complied with by claimants prior to locating mining claims on land where the surface is patented, and the minerals are reserved under the Stock Raising Homestead Act (SRHA) of December 29, 1916.

Claimants must file a Notice of Intent to Locate (NOITL) Mining Claims prior to entering SRHA land to explore for minerals, or to locate mining claims. Filing a NOITL segregates the land from all forms of appropriation for 90-days for the party filing the NOITL. A NOITL must contain the following information:

1. Statutory Information

A. The following statutory information must be present on the NOITL:

1. Surface owner name and address.
2. Claimant name and address.
3. Legal description of the lands covered by the NOITL. The legal description shall be based on the public land survey or other sufficient description so that the NOITL can be noted to the public land status records.
4. A map of the lands subject to mineral exploration.
5. Dates of when exploration and/or location of claims will begin and end.

The information above is **mandatory**, statutory information that is required before the segregation of the land becomes effective.

If any of the statutory information is missing the NOITL will not be posted to the land status records, or in the public room until all the information is received.

A Letter of Deficiency (LOD) will be issued to the claimant requesting missing statutory information. The claimant is given 30-days to submit the mandatory information. If the information is not received within the 30-day time frame the NOITL will be rejected.

If information is received within the 30-day time frame, the NOITL will be posted effective on the date all the statutory information is received.

If a complete NOITL is filed by someone else prior to the claimant correcting a NOITL missing statutory information, the complete NOITL will be accepted and posted. The incomplete NOITL will be rejected.

2. Regulatory Information

A. The NOITL must have the following regulatory information:

1. \$25.00 Service Fee
2. Proof of surface ownership. A copy of the county records showing who is paying the taxes on the property is sufficient proof of ownership. A certificate of title or proof of title insurance will also be accepted.
3. A copy of the certified mail receipt card proving the surface owner was served a copy of the NOITL.
4. The telephone number of the surface owner.
5. The telephone number of the claimant.
6. Total number of acres covered by the NOITL.
7. Brief description of proposed mineral activity.
8. Map showing access routes.

All of the regulatory information is required, but is curable if missing. The NOITL will be posted at the time received even if regulatory information is missing. Once the information is submitted a corrected NOITL will be attached to the original NOITL posted.

If any of the regulatory information is missing a LOD will be issued requesting the information. The claimant has the full 90-day segregation period to submit the missing regulatory information. If the regulatory information is not received within the 90-day segregation period, the NOITL will be rejected and any mining claims filed connected to the NOITL will be declared null and void ab initio.

Land covered by the NOITL

All land covered by the NOITL must be owned by the same person or group of people. In order for one NOITL to be accepted for multiple surface owners, all owners must jointly own the land described in the NOITL.

Each claimant is allowed 1280 acres covered by NOITLs per surface owner. The maximum acreage that may be covered by NOITLs for a single claimant is 6400 acres statewide.

Segregation Period

Serving the surface owner does not start the 90-day segregation period. The segregation is not effective until BLM accepts and posts the NOITL.

The 90-day segregation period ends on the 90th day even if it falls on a weekend or a holiday.

Exploration and Location of Mining Claims

The claimant must wait 30 days after the date the surface owner signs the certified card to begin exploration and staking claims. The claimant is not allowed to enter the land covered by the NOITL during this 30-day period.

The claimant may explore and stake mining claims during the remainder of the segregation period, approximately 60 days.

Plan of Operation (Plan) and Bonding

After mining claims are staked, a mining claimant or operator may not conduct mineral activities (other than casual use) except under the following conditions:

1. Written consent from the surface owner(s); OR
2. An approved plan of operations from BLM.

A plan of operations will be filed in the appropriate BLM Field Office pursuant to the standards described at 43 CFR 3809. Within 60 days of its receipt, the BLM Field Office will approve the Plan, or notify the claimant/operator of any deficiencies in the Plan. The 60-day time frame to approve the plan may be extended for an unspecified amount of time if necessary to comply with other applicable requirements of law.

The State Office will be notified of a Plan if filed within the 90-day segregation period. The 90-day segregation period may be extended by at least 60 days if additional time is required to comply with other applicable requirements of law.

A reclamation bond shall be filed and maintained with the BLM State Office, pending final reclamation of the project area.

The appropriate BLM Field Office will determine the bond amount, prepare the necessary environmental document and estimated reclamation costs for the Plan.

The operator or mining claimant(s) shall post fees in amounts sufficient to cover tangible losses incurred by the surface owner during operations, and permanent losses that may result if the lands are not reclaimed to pre-mining agricultural production levels.

The State Office will receive, adjudicate, accept, and release financial guarantees (bonds), and collect on forfeitures.

An annual rental payment is required to be paid to the surface owner(s), based upon fair market rental conditions.

Mining Claims Recorded in Connection with a NOITL

1. Only the person(s) or entity that filed the NOITL can locate claims.
2. The legal description(s) on the location certificate(s) must be within the legal description given on the NOITL.
3. The location date of the claims must be 30 days after the surface owner signed the certified card, and before the 90-day segregation period expired.

Surface Owners of SRHA Land

The owner of patented surface affected by the Act are not required to file a NOITL. The only requirement of the surface owner is to provide proof of surface ownership. This can be accomplished by providing a copy of the tax records or title evidence documents.

Pre-Act Mining Claims (Non-Grand fathered)

Claims that were located and recorded with BLM on SRHA lands prior to the April 16, 1993, amendment were not completely “Grand fathered”.

1. Pre-Act claims do not require BLM intervention if surface owner and claimant have an agreement on mining operations.
2. Pre-Act operations with a BLM bond outstanding are subject to BLM review, but only if surface owner requests it.
3. Pre-Act claims with no pre-act operations will need either surface owner consent filed with BLM, or to file a Plan of Operation (Plan) and go through the new approval process for use authorization of a Plan.

The claimant needs to submit a letter to BLM stating that he/she has the consent of the surface owner to operate and that no BLM intervention is necessary. This letter must be signed by the surface owner. BLM does not need to know the details of the agreement(s).